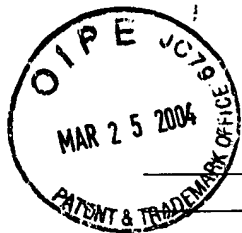


03-26-04



PATENT  
ATTORNEY DOCKET NO. 04148-00079

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John F. Kay and John J. Eisch

Serial No.: 10/600,130

Filed: June 19, 2003

Title: END-CAPPED POLYMERS AND  
COMPOSITIONS CONTAINING SUCH  
COMPOUNDS

Examiner:

Art Unit: 1615

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

In regard to the above identified application, we are transmitting herewith the attached:

1. Information Disclosure Statement,
2. Form PTO-1449 (6 pages),
3. Copies of two (2) references, and
4. Return postcard.

No additional fee is required. The Commissioner is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0733.

Respectfully submitted,

Dated: March 25, 2004

By 

John P. Iwanicki, Reg. No. 34,628  
BANNER & WITCOFF, LTD.  
28 State Street, 28th Floor  
Boston, MA 02109  
(617) 720-9600



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

John F. Kay and John J. Eisch

Serial No.: 10/600,130

Filed: June 19, 2003

Title: END-CAPPED POLYMERS AND COMPOSITIONS CONTAINING SUCH COMPOUNDS

Examiner:

Art Unit: 1615

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.97-1.99, Applicants hereby submit the enclosed PTO Form 1449. Copies of these references are enclosed. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. § 1.56.

Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Accordingly, no fee is due.

Under 35 USC §120, this application relies on the earlier filing date of application serial number 10/326,339, filed on December 20, 2002. Hard copies of the references identified on the

PTO Form 1449 were submitted to and/or cited by the Office in the prior patent application(s) and, therefore, are not provided in this application, with the exception of the following references:

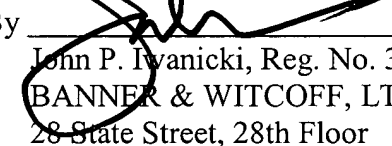
U.S. Patent No. 4,330,677, and  
WO 98/35631

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative importance of any portion of the references. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. § 102 or § 103.

Please apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

Dated: March 25, 2004

By   
John P. Ivanicki, Reg. No. 34,628  
BANNER & WITCOFF, LTD.  
28 State Street, 28th Floor  
Boston, MA 02109  
(617) 720-9600

## U.S. PATENT DOCUMENTS

Examiner Initial		Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)
	AA	2,520,611	08/29/50	Roberts et al.	568	613	12/05/46
	AB	2,520,612	08/29/50	Roberts et al.	568	613	01/08/47
	AC	2,674,619	04/06/54	Lundsted	560	198	10/19/53
	AD	3,393,179	07/16/68	Leverett	525	398	02/17/66
	AE	3,393,242	07/16/68	Seale et al.	568	607	09/10/64
	AF	3,393,243	07/16/68	Cuscurida	568	620	09/24/64
	AG	3,653,183	04/04/72	Sanders et al.	95	163	02/12/70
	AH	3,833,725	09/03/74	Thompson	514	180	12/08/72
	AI	4,011,313	03/08/77	Thompson	514	153	10/17/75
	AJ	4,301,083	11/17/81	Yoshimura et al.	554	64	01/02/80
	AK	4,330,677	05/18/82	Linke et al.	562	583	10/31/79
	AL	4,394,370	07/19/83	Jefferies et al.	606	76	09/21/81
	AM	4,472,840	09/25/84	Jefferies et al.	128	898	09/30/82

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Class	Subclass	Translation	
							YES	NO
	AN	EP 0884052	12/16/98	Europe				
	AO	EP 0268920	06/01/88	Europe				
	AP	EP 0551626	07/21/93	Europe				
	AQ	WO 97/18829	05/29/97	PCT				
	AR	WO 98/35631	08/20/98	PCT				

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

	AQ	Schmolka, "A Review of Block Polymer Surfactants," <i>J. Am. Oil Chemists Soc.</i> , 54:110-116 (1977)
	AR	Schmolka, "A Comparison of Block Polymer Surfactant Gels," <i>J. Am. Oil Chemists Soc.</i> , 68:206-209 (1991)
	AS	Memorandum of Decision Re: Claim Construction, <i>GenSci OrthoBiologics, Inc. v. Osteotech, Inc.</i> , U.S. District Court, Central California, Case no. SACV 9868 AHS (Eex)/CV 99-10111-MRP (Eex.)

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. \*\*Copies of references not provided at the time of this submission.

## INFORMATION DISCLOSURE CITATION

Sheet 2 of 6

Applicants: **John F. Kay and John J. Eisch**Filing Date: **June 19, 2003**Group: **1615**

## U.S. PATENT DOCUMENTS

Examiner Initial		Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)
	BA	4,587,365	05/06/86	Anchor	568	619	10/29/84
	BB	4,595,713	06/17/86	St. John	523	105	01/22/85
	BC	4,764,567	08/16/88	Ott	525	403	11/20/86
	BD	4,902,834	02/20/90	Otten et al.	568	608	08/30/88
	BE	4,922,029	05/01/90	Birnbach et al.	568	616	08/05/88
	BF	4,975,526	12/04/90	Kuberasampath et al.	530	350	10/17/89
	BG	4,994,626	02/19/91	Greenough et al.	568	618	11/08/89
	BH	5,073,373	12/17/91	O'Leary et al.	424	422	09/21/89
	BI	5,108,753	04/28/92	Kuberasampath et al.	424	422	09/07/90
	BJ	5,130,413	07/14/92	Asai, deceased et al.	528	408	08/30/90
	BK	5,171,574	12/15/92	Kuberasampath et al.	424	423	02/22/90
	BL	5,284,655	02/08/94	Bogdansky et al.	424	422	02/04/92
	BN	5,290,558	03/01/94	O'Leary et al.	424	422	08/27/90
	BM	5,292,516	03/08/94	Viegas et al.	424	423	11/08/91

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Class	Subclass	Translation	
							YES	NO
	BO	WO 99/11298	03/11/99	PCT				
	BP	WO 99/13099	03/18/99	PCT				
	BQ							
	BR							

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

	BS	Memorandum of Decision: Osteotech's Motion for Summary Judgment of Infringement of U.S. Patent No. 5,290,558, <i>Gen Sci OrthoBiologics, Inc. v. Osteotech, Inc.</i> , U.S. District Court, Central California, Case No. SACV 9868 AHS (Eex)/CV 99-10111-MRP (Eex).
	BT	Verdict, <i>Gen Sci OrthoBiologics, Inc. v. Osteotech, Inc.</i> , U.S. District Court, Central California, Case No. SACV 9868 AHS (Eex)/CV 99-10111-MRP (Eex).

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. \*\*Copies of references not provided at the time of this submission.

## INFORMATION DISCLOSURE CITATION

Sheet 3 of 6

Applicants: John F. Kay and John J. Eisch

Filing Date: June 19, 2003

Group: 1615

## U.S. PATENT DOCUMENTS

Examiner Initial		Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)
	CA	5,306,304	04/26/94	Gendler	623	23.63	01/13/93
	CB	5,306,501	04/26/94	Viegas et al.	424	423	11/08/91
	CC	5,330,768	07/19/94	Park et al.	424	501	07/05/91
	CD	5,346,703	09/13/94	Viegas et al.	424	486	08/31/92
	CE	5,356,629	10/18/94	Sander	424	422	07/12/91
	CF	5,464,439	11/07/95	Gendler	128	898	11/12/93
	CG	5,516,532	05/14/96	Atala et al.	424	548	08/05/94
	CH	5,503,558	04/02/96	Clokier	433	173	11/12/93
	CI	5,520,923	05/28/96	Tjia et al.	424	426	09/19/94
	CJ	5,593,683	01/14/97	Viegas et al.	424	427	03/03/94
	CK	5,648,557	07/15/97	Wei	568	617	07/15/97
	CL	5,702,695	12/30/97	Clokier	424	78.08	06/16/95
	CM	5,707,962	01/13/98	Chen et al.	514	12	09/28/94
	CN	5,733,868	03/31/98	Peterson	514	2	04/16/96

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Class	Subclass	Translation	
							YES	NO
	CN							
	CO							
	CP							

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

	CQ	
	CR	
	CS	
	CT	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.\*\*Copies of references not provided at the time of this submission.

## INFORMATION DISCLOSURE CITATION

Sheet 4 of 6

Applicants: **John F. Kay and John J. Eisch**Filing Date: **June 19, 2003**Group: **1615**

## U.S. PATENT DOCUMENTS

Examiner Initial		Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)
	DA	5,766,704	06/16/98	Allen et al.	428	34.1	03/13/96
	DB	5,837,235	11/17/98	Mueller et al.	424	93.7	05/09/96
	DC	5,854,382	12/29/98	Loomis	528	354	08/18/97
	DD	5,861,174	01/19/99	Stratton et al.	424	484	07/12/96
	DE	5,904,716	05/18/99	Gendler	424	423	04/26/95
	DF	5,910,315	06/08/99	Stevenson et al.	424	422	07/18/97
	DG	5,916,553	06/29/99	Schmidt	424	85.1	06/07/95
	DH	5,939,157	08/17/99	Allen et al.	428	35.7	10/30/95
	DI	5,952,077	09/14/99	Booth et al.	428	97	08/26/97
	DJ	5,955,159	09/21/99	Allen et al.	428	34.1	10/27/95
	DK	5,968,556	10/19/99	Atala et al,	424	548	04/02/96
	DL	5,985,383	11/16/99	Allen et al.	428	34.1	03/14/96
	DM	6,005,020	12/21/99	Loomis	523	105	09/02/98
	DN	6,028,164	02/22/00	Loomis	528	354	02/01/99
	DO	6,030,635	02/29/00	Gertzman et al.	424	423	02/27/98
	DP	6,033,438	03/07/00	Bianchi et al.	623	17.16	06/03/97
	DQ	6,133,211	10/17/00	Cobianco et al.	508	579	10/30/97

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Class	Subclass	Translation	
							YES	NO
	DR							
	DS							

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

	DT	
	DU	
	DV	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.\*\*Copies of references not provided at the time of this submission.

## INFORMATION DISCLOSURE CITATION

Sheet 5 of 5

Applicants: **John F. Kay and John J. Eisch**Filing Date: **June 19, 2003**Group: **1615**

## U.S. PATENT DOCUMENTS

Examiner Initial		Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)
	EA	6,136,029	10/24/00	Johnson et al.	623	16.11	10/01/97
	EB	6,180,605	01/30/01	Chen et al.	514	12	01/05/98
	EC	6,180,606	01/30/01	Chen et al.	514	12	01/13/98
	ED	6,189,537	02/20/01	Wolfinbarger, Jr.	128	898	09/06/96
	EE	6,201,065	03/13/01	Pathak et al.	525	90	07/26/96
	EF	6,206,923	03/27/01	Boyd et al.	623	17.11	01/08/99
	EG	6,214,049	04/10/01	Gayer et al.	623	16.11	01/14/99
	EH	2001/0008317	07/19/01	Gaylo et al.	264	86	01/22/01
	EI	6,281,195	08/28/01	Rueger et al.	514	21	02/05/98
	EJ	2001/0020188	09/06/01	Sander	623	23.57	02/05/01
	EK	6,305,379	10/23/01	Wolfinbarger, Jr.	128	898	04/12/00
	EL	6,309,659	10/30/01	Clokier	424	422	09/02/97
	EM	6,311,690	11/06/01	Jefferies	128	898	06/06/95
	EN	2001/0038848	11/08/01	Donda et al.	424	423	02/20/01
	EO	6,316,011	11/13/01	Ron et al.	424	401	08/04/99
	EP	6,316,522	11/13/01	Loomis et al.	523	105	09/14/99

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Class	Subclass	Translation	
							YES	NO
	EQ							
	ER							

## OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

	ES	
	ET	
	EU	
	EV	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.\*\*Copies of references not provided at the time of this submission.



USPTO Form 144 9		U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No. <b>04148-00079</b>		Serial No. <b>10/600,130</b>		
<b>INFORMATION DISCLOSURE CITATION</b> Sheet 6 of 6				Applicants: <b>John F. Kay and John J. Eisch</b>				
				Filing Date: <b>June 19, 2003</b>			Group: <b>1615</b>	
<b>U.S. PATENT DOCUMENTS</b>								
Examiner Initial		Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)	
	FA	2001/0043940	11/22/01	Boyce et al.	424	423	07/24/01	
	FB	2002/0022883	02/21/02	Burg	623	8	06/12/01	
	FC	2002/0034531	03/21/02	Clokier	424	422	08/27/01	
	FD	6,403,758	06/11/02	Loomis	528	354	11/08/99	
	FE	6,409,765	06/25/02	Bianchi et al.	623	17.11	12/03/99	
	FF	6,410,645	06/25/02	Pathak et al.	424	78.2	11/09/00	
	FG	6,425,920	07/30/02	Hamada	623	17.16	10/12/00	
	FH	6,426,332	07/30/02	Rueger et al.	514	21	06/22/01	
	FI	2002/0106393	08/08/02	Bianchi et al.	424	423	08/27/01	
	FJ	2002/0107570	08/08/02	Sybert et al.	623	13.17	12/08/00	
	FK	6,437,018	08/20/02	Gertzman et al.	523	116	02/29/00	
	FL	2002/0120335	08/29/02	Angelucci et al.	623	17.16	08/29/01	
	FM	2002/0160032	10/31/02	Long et al.	424	423	02/23/01	
	FN	2002/0161443	10/31/02	Michelson	623	17.11	04/02/02	
<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initial		Document No.	Date	Country	Class	Subclass	Translation	
							YES	NO
	FO							
	FP							
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>								
	FQ							
	FR							
	FS							
	FT							
<b>EXAMINER</b>					<b>DATE CONSIDERED</b>			
<small>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.**Copies of references not provided at the time of this submission.</small>								